

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF OREGON**  
**PORTLAND DIVISION**

**OREGON NATURAL DESERT  
ASSOCIATION and GREAT OLD  
BROADS FOR WILDERNESS,**

Plaintiffs,

v.

**BUREAU OF LAND MANAGEMENT,  
JOAN SUTHER, and KENNY  
MCDANIEL,**

Defendants.

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No. **3:09-cv-00862-PK**

**OPINION AND ORDER ADOPTING  
FINDINGS AND RECOMMENDATION**

**SIMON, District Judge.**

Magistrate Judge Paul Papak issued findings and recommendation in the above-captioned case on January 10, 2013. Dkt. 74. Judge Papak recommended that Movant Roaring Springs Ranch Inc.'s Motion for Relief from Order and Request to Reopen Litigation, Dkt. 64, be denied. No party has filed objections.

Under the Federal Magistrates Act ("Act"), the court may "accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate's findings and recommendations, "the

court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, the Act does not prescribe a standard of review. In such cases, “[t]here is no indication that Congress . . . intended to require a district judge to review a magistrate’s report[.]” *Thomas v. Arn*, 474 U.S. 140, 152 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*), *cert. denied*, 540 U.S. 900 (2003) (the court must review *de novo* magistrate’s findings and recommendations if objection is made, “but not otherwise”).

Although review is not required in the absence of objections, the Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. Indeed, the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate’s findings and recommendations for “clear error on the face of the record.”

No party having made objections, this Court follows the recommendation of the Advisory Committee and reviews Magistrate Judge Papak’s findings and recommendation for clear error on the face of the record. No such error is apparent. Therefore the court orders that Judge Papak’s findings and recommendation, Dkt. 74, are ADOPTED. Movant Roaring Springs Ranch Inc.’s Motion for Relief from Order and Request to Reopen Litigation, Dkt. 64, is DENIED.

IT IS SO ORDERED.

Dated this 21st day of February, 2013.

/s/ Michael H. Simon  
Michael H. Simon  
United States District Judge